

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

\*

v.

\*

CRIMINAL NO. RDB-17-0640

MARK IAN GAVER

\*

\* \* \* \* \*

**MEMORANDUM ORDER**

After an eight day jury trial, the Jury returned a verdict against the Defendant Mark Ian Gaver finding him guilty on all Ten Counts of the Indictment. The Defendant did not move for a Judgment of Acquittal at the conclusion of the Government's case or prior to the submission of the case to the Jury. Pursuant to Rule 29(c)(1) and (3) of the Federal Rules of Criminal Procedure, the Defendant has now filed a Motion for Judgment of Acquittal (ECF#61). In addition the Defendant has filed a Motion for a New Trial (ECF#60). The Court has reviewed the evidence in the case and the opposition of the Government (ECF#62). Both motions of the Defendant are totally without merit and are DENIED.

With respect to the Motion for Judgment of Acquittal, it is well established that a Rule 29 Motion should be denied if "viewing the evidence in the light most favorable to the Government, any rational trier of facts could have found the Defendant guilty beyond a reasonable doubt." *United States v. Tresvant*, 677 F2d. 1018, 1021 (4<sup>th</sup> Cir. 1982). *See also United States v. Royal*, 731 F3d. 333, 337 (4<sup>th</sup> Cir. 2013), *cert. denied* 134 S. Ct. 1777 (2014). The evidence in this case, as summarized by the Government, was in fact overwhelming.

With respect to the Motion for a New Trial, whether to grant such a motion is within the broad discretion of this Court. *See e.g. United States v. Smith*, 451 F3d. 209, 216-17 (4<sup>th</sup> Cir. 2006). The Defendant has set forth no basis for the granting of such a motion. There is

certainly no claim or suggestion of newly discovered evidence. See *United States v. Chavis*, 880 F2d. 788, 793 (4<sup>th</sup> Cir. 1989); *United States v. Moore*, 709 F3d. 287, 292 (4<sup>th</sup> Cir. 2013).

Accordingly, the Court having reviewed the evidence in this case and the opposition of the Government, IT IS HEREBY ORDERED this 9<sup>th</sup> day of August, 2018 that the Motion for Judgment of Acquittal (ECF#61) and the Motion for a New Trial (ECF#60) are DENIED.

/s/  
Richard D. Bennett  
United States District Judge